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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,427	11/13/2001	Gregory Amadon	004524.P018	3037

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EXAMINER

ROBERTS, BRIAN S

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,427

Applicant(s)

AMADON ET AL.

Examiner

Brian Roberts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10, 14-17, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 11, 18, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 2, 12, 13 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-23 have been examined.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 11, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Remboski et al. (US 2003/0043824) in view of Pfizenmaier et al. (US 5963172)

- In reference to claim 1, 11, 18, 19

In Figure 20, Remboski et al. teaches a system and method utilizing a plurality of vehicles with active networks (12) containing active elements (40) such as routers [paragraph 0041] to communicate with each other via a wireless radio link [paragraph 0064].

Remboski et al. does not teach that the vehicles have an antenna in a light.

In Figure 2, Pfizenmaier et al. teaches a headlight with an integrated antenna.

(Abstract)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the vehicles of Remboski et al. to include locating the antenna in a headlight as taught by Pfizenmaier et al. because placing the antenna in the headlight saves space within the vehicle and allows for bundling light of the headlight and bundling microwave beams together.

- In reference to claim 3

The combination of Remboski et al. and Pfizenmaier et al teach a system and method that covers substantially all limitations of the parent claim. Remboski et al. further teaches the active network (12) complying with data packet protocols including TCP/IP. [Paragraph 0039]

5. Claims 4-6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remboski et al. (US 2003/0043824) in view of Pfizenmaier et al. (US 5963172) and further in view of Moore et al. (US 5530963)

- In reference to claim 4

The combination of Remboski et al. and Pfizenmaier et al teach a system and method that covers substantially all limitations of the parent claim. Remboski et al. further teaches upgrading systems by upgrading software by linking to another active network. [Paragraph 0059]

The combination of Remboski et al. and Pfizenmaier et al. do not explicitly teach transmitting and receiving data packets from a stationary unit that includes a router.

Moore et al. teaches utilizing a workstation (stationary unit) with a router to establish a wireless communication link to a mobile workstation via a radio frequency transceiver. (Abstract)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of the combination of Remboski et al. and Pfizenmaier et al. to include linking a workstation to the vehicle because it would allow the workstation to update the vehicle's system software in the event the vehicle at a location such as a repair facility.

- In reference to claims 5, 6, 21

The combination of Remboski et al. and Pfizenmaier et al teach a system and method that covers substantially all limitations of the parent claim. In Figure 15, Remboski et al. further teaches a wireless interface (244, 250) that includes:

- Transmitting and receiving data using a optical or radio frequency transceiver
- The active network (12) complying with a data packet protocol including TCP/IP. [Paragraph 0039]

### ***Double Patenting***

6. Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8. When two claims in an application are duplicates or else are so close in

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content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Allowable Subject Matter***

7. Claim 7-10, 14-17, and 22-23 are allowed.

- In reference to claim 7, 14, and 22

Independent claims 7, 14, and 22 are allowed because the prior record fails to teach or fairly suggest a method, system, or apparatus where each router is a home router to store and adjust home potentials of the home router, to receive and store neighbor potentials of neighboring routers, to determine ideal data packet flows using the home and neighbor potentials with an optimization of at least one of a merit function or a penalty function involving stochastic changes in topology in the spontaneous data communication network, and to receive and route data packets based on the home and neighbor potentials.

- In reference to claim 8-10, 15-17 and 23

Claims 8-10, 15-17 and 23 are allowed because they are dependent from claims 7, 14, and 22, respectively.

- In reference to claim 2, 12, 20

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Claims 2, 12, and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior record fails to teach or fairly suggest a method, system, or apparatus where each router is a home router to store and adjust home potentials of the home router, to receive and store neighbor potentials of neighboring routers, to determine ideal data packet flows using the home and neighbor potentials with an optimization of at least one of a merit function or a penalty function involving stochastic changes in topology in the spontaneous data communication network, and to receive and route data packets based on the home and neighbor potentials.

- In reference to claim 13

Claim 13 would be allowable if rewritten to overcome the double patenting objection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Zikan et al. (US 6310881) teaches router modules directing traffic based on optimizing a merit function or penalty function to reduce costs of congestion for stochastically changing demands and flows in a communication system.
- Morrow (US 2522189) teaches an illuminated antenna for automobiles.

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- Saddler et al. (US 3683379) teaches a taillight that acts as an RF radiator, reflector, receiving antenna and illuminator.
- D'Annunzio et al. (US 2003/0048766) teaches a mobile platform that includes a router.
- Avignon et al. (US 5446470) teaches a low-cost compact microwave antenna for a transmitter and/or receiver system mounted in a vehicle.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR




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07/28/2005



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